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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,598

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Harald Hartmann

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EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

12/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,598	Applicant(s) HARTMANN, HARALD	
	Examiner JAMES M. HEWITT	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 17-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/13/006, 9/21/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

Applicant is to supply document EP 0 750 152 B1, which is repeatedly referenced in the instant specification and pertinent to the examination of the instant application.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

The title does not match up to that of the specification.

Specification

The abstract of the disclosure is objected to because: a new abstract is not to have underlining (see 37 CFR 1.121); line 1 includes the implied phrase "The invention relates to"; line 2 includes the legal terms "said" and "consist of". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear as to how the openings can be characterized as “parallel”. They may be opposite one another but as they lie on the same circumference they cannot be parallel.

For examination purposes, the claim has been interpreted as to require the openings be opposite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-19 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Calmettes et al (US 5,273,323).

With respect to claim 17, Calmettes et al disclose a plug-in connection for connecting pipes or hoses, comprising a nozzle (7) having at least one detent shoulder (7a), and a plug (receiving assembly) adapted to interfit with the nozzle and including an

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inner sleeve (1a) and an outer sleeve (1b/6), said inner sleeve being spaced apart from and substantially parallel to the outer sleeve, wherein the plug further includes at least one opening (6c) extending through the inner and outer sleeves, and a detent spring (19) having legs adapted, to protrude inwardly through the at least one opening (see FIG. 2) and latch behind the at least one detent shoulder of the nozzle (see FIG. 1), wherein, the inner sleeve and the outer sleeve are joined at an end of the plug facing the nozzle by a material connection, thereby enabling the inner and outer sleeves to withstand a high static and dynamic pulling force.

With respect to claim 18, Calmettes et al disclose a plug-in connection of claim 17, wherein the inner sleeve and the outer sleeve form a double wall at least in a region proximate to the at least one opening (see FIG. 1).

With respect to claim 19, Calmettes et al disclose a plug-in connection of claim 17, wherein a spacing between the inner sleeve and the outer sleeve is smaller in a region proximate to the at least one opening than in a region, away from the at least one opening, and wherein the inner sleeve and the outer sleeve are connected at least in the region, away from the at least one opening by an end wall oriented in the radial direction. Refer to FIG. 1.

With respect to claim 19, Calmettes et al disclose a plug-in connection of claim 17, wherein the detent spring includes a detent clip extending through an associated

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one of the at least one opening and facing an inclined surface of the detent shoulder on the nozzle, said detent clip latching behind the detent shoulder at a third latching location. Refer to FIGS. 1 and 2.

With respect to claim 22, Calmettes et al disclose a plug-in connection, of claim 17, wherein the plug further includes a sealing ring (10) with a sealing lip (smaller diameter portion) that is angled so as to sealingly contact an inclined surface formed on the detent shoulder.

Given the broadest reasonable interpretation, the bush (10) has been considered a sealing ring as it creates a metal-to-metal seal between the nozzle and plug, and the smaller diameter portion of the bush has been considered a lip as it protrudes from the larger diameter portion of the bush.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calmettes et al (US 5,273,323) in view of Profunser (US 5,855,399).

Calmettes et al disclose the plug-in connection of claim 17, except that the detent spring is U-shaped having parallel legs which form opposing latching elements, with

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each latching element protruding through a corresponding one of the at least one opening, said corresponding openings being opposite to one another. Profunser teaches a similar plug-in connection that employs a U-shaped spring (45) having parallel legs (46) which form opposing latching elements, with each latching element protruding through a respective opening in the plug, the openings being opposite to one another. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Calmettes et al's device with a U-shaped spring having parallel legs which form opposing latching elements, with each latching element protruding through opposite openings in the plug as taught by Profunser in order to provide an effective alternative means by which to hold the nozzle in place, to facilitate manual operation of the spring and to provide a smaller sized spring.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached ***Notice of References Cited***.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/
Primary Examiner, Art Unit 3679